

10-NOV-2023 CH 4 LST 3PM - ENTR LCDO OSVALDO CARLO.

DLA Piper LLP

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Transcript by TransPerfect

ENRIQUE CRUZ: Thank you, Brenda. Thank you very much, [INDISCERNIBLE 00:00:01]. Did the judge Nerisvel Durán Guzmán declare justice?

THE LAW ANALYZES IF IT IS WITHIN RIGHTS TO APPEAL TO A SENTENCE OF NOT EVEN ONE DAY OF PRISON FOR CARLOS JULIÁN MALDONADO FOR RUNNING OVER NATALIA NICOLE

Did she do justice here, or did she hand this over to someone else? What is the tendency, what is the judge's pattern? Yesterday we showed you that in 2016 an individual ran over a person, fled, and in the room of the same judge, ended up well. There is the case of Mayra Nevárez, and there is this case. But, where do the protagonists of the news story come in? With me, here, in Lo Sé Todo, ex-federal prosecutor and attorney, Osvaldo Carlo Linares. Attorney, good afternoon. Welcome here to Lo Sé Todo.

OSVALDO CARLO: My pleasure.

ENRIQUE CRUZ: Attorney, today, in your Twitter social media account, on X, you made the following expressions:

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The Department of Justice shows support to the victims upon appealing the sentence that denotes a clear abuse of discretion. The judges must send a message to the community with their sentences. The message cannot be that someone who impacts a person and flees is rewarded with probation.

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The Department of Justice shows support to the victims upon appealing the sentence that denotes a clear abuse of discretion. The judges must send a message to the community with their sentences. The message cannot be that someone who impacts a person and flees is rewarded with probation.

Discretion, message, and what happened in judge Nerivel-- Nersivel Durán Guzmán's room.

OSVALDO CARLO: Well look, Kike, let's begin by saying that...

ANALYSIS ATTORNEY OSVALDO CARLO - EX-FEDERAL PROSECUTOR

WE TALK ABOUT THE ANALYSIS WHICH DOES JUSTICE ABOUT WHETHER IT'S WITHIN RIGHTS TO APPEAL A SENTENCE WHICH GIVES NOT EVEN A DAY OF PRISON TO CARLOS JULIÁN MALDONADO

...in a criminal case, there are two parts. It's not just one; the rights belong to both parts. Not only the accused. There is the people of Puerto Rico, who appear in the title, as the -- the one -- the one who is carrying out the action, and the accused. The people of Puerto Rico have rights, and the people in Puerto have the right to have justice done. They have the right that when there is a case like this one, uh, it indicates the -- the mother, right, of her suffering, talking about a person who r-- ran over this young woman, and killed her. Also, uh, they hit another person who was there. They flee; they don't stop to see if they can help. They arrive to a police station -- which if not -- if they didn't arrive to the police station, they would still be looking for them, because this was what led to the police intervening in the case -- to say that they had an accident that they suffered somewhere else. So, this is a person who did everything to try to avoid having the law find him. And you're going to reward that with probation? When a lot of people who are listening to us, precisely, they are alert to this. If I go around driving drunk, I'm therefore better off, instead of stopping at the scene and having them do the blood test there and all that, if I leave, and I show up the next day, or whenever they catch me, so that then they can't register the charge that I was in a state of inebriation? That's why it's important that the judges send a message when they dictate their sentence. The person is already guilty. The judge is sentencing them, but at the same time, she needs to be alert to what it is that the community needs. And it's positive messages, messages that avoid these types of actions.

ENRIQUE CRUZ: Now, the judge, very well, may have acted within her rights as well. I mean, because the law gives her the scope to do what she did. And so she, well, it's clearly seen that she has a pra-- a pro-defense pattern, because of decisions that we've discussed here, that we've summarized here, since 2016. But there is a conflict here, between the law and what the society seeks, which is that if people, if they drink, they don't go onto the streets, and much less don't kill somebody and then flee. They tricked us, attorney. They tricked us here. They told us that if you killed somebody and you were drunk, you were imprisoned. That there was no one who could get you out of prison. The legislature tricked us.

OSVALDO CARLO: Well, look: when we're talking about the -- the discretion that a judge has, just as there is discretion, there can be abuse of discretion. And the abuse of discretion, doesn't only go against the accused; it can also go against the people. And here in this case, the people on the street believe that the judge abused in her discretion by sending this individual home and not giving them the year of -- of prison that the probation officer was recommending.

ENRIQUE CRUZ: Attorney, in another case, Wanda Vázquez, the -- the struggle and the strategy continues between the prosecutor, the defense, and about the discovery of proof,...

ANALYSIS ATTORNEY OSVALDO CARLO - EX-FEDERAL PROSECUTOR

FEDERAL PROSECUTOR ANNOUNCES THAT THEY ARE READY TO HAND OVER EVIDENCE WITH PRIVILEGED MATERIAL IN THE CASE AGAINST THE EX-GOVERNOR WANDA VÁZQUEZ

...the prosecutor announces that they're already ready to hand everything over, but there are some -- some documents, and there is some information that has to do with national security of the United States, which is the dispute that exists now.

OSVALDO CARLO: Precisely, the delay that existed in the case, was in -- handing over the discovery of proof is related to some documents that were obtained by the federal prosecutor. It didn't... I mean, obtained by the -- the FBI, and the federal agencies, and they hand it over to -to the... to the federal prosecutor, but they are not from Wanda Vázquez, Kike. They are documents that, where -- where they come from, they're from Velutini, and the ex-FBI agent. Those communications between those people -- between them and third parties -- are the ones that have those elements of national security, which the authorities have been, uh... checking, and determining what could be handed over and what could not be handed over. What can't be handed over? Well, look, what truly affects the national security, and which has no benefit for the defense.

*JOHN BLAKEMAN FRANCES DÍAZ WANDA VÁZQUEZ EX-GOVERNOR OF
PUERTO RICO JULIO HERRERA VELUTINI MARK ROSSINI*

ENRIQUE CRUZ: But that is where Wanda Vázquez's defense says that they want them to -to try them separately. Because of all this data, all these situations that have nothing to do with her.

OSVALDO CARLO: That is so. But on the other hand, uh... that delay in the delivery of this material which was expected to be handed over even next year, well it came early. And one of Wanda Vázquez's -- her represent-- uh, her legal representation's complaints, is the fact that the discovery of proof was taking too long, but it seems that this was a substantial advancement.

ENRIQUE CRUZ: Attorney Osvaldo Carlo, as always, grateful. There you all heard the attorney Osvaldo Carlo.